

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

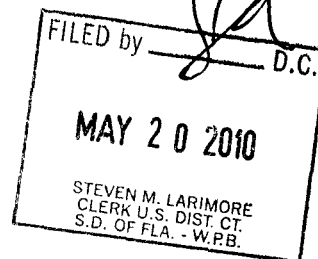
CASE NO. 10-80069-CR-Zloch/Rosenbaum
18 U.S.C. § 1425

UNITED STATES OF AMERICA

v.

GILBERTO JORDAN,

Defendant



INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

1. In or around 1982, the Guatemalan military maintained an elite special forces unit known as the "Kaibiles," who were trained at a facility located in La Pólvara, El Petén, Guatemala, known as "the Kaibil School."
2. In or around November 1982, the Guatemalan guerrilla group known as "Fuerzas Armadas Revolucionarias" ambushed a Guatemalan military convoy near Las Cruces, Guatemala, killing soldiers and taking their rifles. In response, the Guatemalan military ordered a special patrol of approximately twenty Kaibiles from the Kaibil School to find the suspected guerrillas and recover the stolen weapons. The special patrol deployed to a small village near Las Cruces named Dos Erres. Defendant GILBERTO JORDAN was part of this special patrol.

3. On or about December 7, 1982, the special patrol entered Dos Erres with the support of approximately forty additional Kaibiles, who created a security perimeter around the village so that no one could enter or escape. The members of the special patrol searched all the houses for the missing weapons, forced the villagers from their homes, and separated the women and children from the men. Members of the special patrol interrogated villagers about the guerrillas and the stolen rifles.

4. Following the interrogation, the special patrol proceeded to systematically murder the civilian men, women, and children at Dos Erres by, among other methods, hitting them in the head with a sledgehammer and throwing them into a well. Members of the special patrol also forcibly raped many of the women and girls at Dos Erres before killing them. Defendant GILBERTO JORDAN participated in the crimes committed at Dos Erres, including murder.

5. Pursuant to the Guatemalan Penal Code that was in effect in 1982, a person “commits murder if they kill a person: with treachery, . . . with premeditation, with cruelty, [or] with the impulse of perverse brutality.” Under Guatemalan law, it is no defense to criminal prosecution that a person was operating under military orders, if the orders “were manifestly illegal.”

6. On or about September 10, 1996, in Palm Beach County, in the Southern District of Florida, the defendant, GILBERTO JORDAN, applied to naturalize as a United States citizen. Specifically, defendant GILBERTO JORDAN submitted an Application for Naturalization (Form N-400) to the Palm Beach Gardens, Florida, office of the Immigration

and Naturalization Service which application defendant GILBERTO JORDAN affirmed under penalty of perjury was true and correct.

7. On or about July 19, 1999, in Palm Beach County, in the Southern District of Florida, the defendant, GILBERTO JORDAN, appeared before a naturalization examiner for an interview based on his Form N-400 Application, at which time he was placed under oath and affirmed under penalty of perjury that the statements he had earlier provided on the N-400 form were true and correct. On August 25, 1999, the defendant, GILBERTO JORDAN, was sworn in as a United States citizen in Miami Beach, Florida.

COUNT 1

8. Paragraphs 1 through 7 of the General Allegations portion of this Indictment are incorporated herein by this reference.

9. From on or about September 10, 1996 through on or about August 25, 1999, in Palm Beach and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendant,

GILBERTO JORDAN,

knowingly procured and obtained for himself naturalization as a United States citizen, which was contrary to law and to which he was not entitled for each of the following reasons:

(a) The defendant was not a person of good moral character, as required by Title 8, United States Code, Section 1427, and as defined by Title 8, United States Code, Section 1101(f), in that, he had in his Application for Naturalization interview on July 19, 1999, given false testimony in order to obtain benefits under the Immigration and

Naturalization Act, as follows:

- (i) The defendant stated that he had never “knowingly committed any crime” for which he had not been arrested, when in truth and in fact, and as the defendant then and there knew, he had committed crimes, including murder, for which he had not been arrested.
 - (ii) The defendant denied prior military service, when in truth and in fact, and as the defendant then and there knew, he was formerly a soldier in the Guatemalan army and a member of the Kaibiles.
- (b) The defendant was not a person of good moral character, as required by Title 8, United States Code, Section 1427, in that on or about December 7, 1982, he had participated in the massacre at the village of Dos Erres, Guatemala, by murdering and assisting in the murder of unarmed men, women, and children.
- (c) The defendant procured his naturalization as a United States citizen by concealment of a material fact and willful misrepresentation, in violation of Title 18, United States Code, Sections 1001(a), 1015(a), and 1546(a), in that on his written Application for Naturalization submitted on or about September 10, 1996, and during his naturalization interview with an Immigration officer on or about July 19, 1999, the defendant willfully misrepresented his past military service and past criminal activity, by concealing the facts that he had served in the Guatemalan military and had participated in the massacre at the

village of Dos Erres, Guatemala.

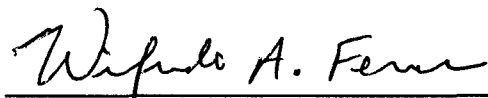
All in violation of Title 18, United States Code, Section 1425(a) and (b).

Notification of Intent to Revoke Citizenship

Notice is hereby given that upon conviction under Count 1 above, the Defendant's August 25, 1999 naturalization shall, by Court order, be revoked, set aside, and declared void, and the Defendant's certificate of naturalization shall, by the same order, be canceled, pursuant to Title 8, United States Code, Section 1451(e).

A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



A. MARIE VILLAFANA
ASSISTANT UNITED STATES ATTORNEY



HILLARY DAVIDSON
SENIOR TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA

CASE NO.

10-80069-CR-Zloch/Rosenbaum

vs.

CERTIFICATE OF TRIAL ATTORNEY*

GILBERTO JORDAN,

Defendant.

Superseding Case Information:

Court Division: (Select One)

 Miami Key West
 FTL X WPB FTP

New Defendant(s) _____
Number of New Defendants _____
Total number of counts _____

Yes _____ No _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish

4. This case will take 8-10 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	<u> </u>	Petty	<u> </u>
II	6 to 10 days	<u> X </u>	Minor	<u> </u>
III	11 to 20 days	<u> </u>	Misdem.	<u> </u>
IV	21 to 60 days	<u> </u>	Felony	<u> X </u>
V	61 days and over	<u> </u>		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

Magistrate Case No. 10-8127-JMH

Related Miscellaneous numbers: 09-80844-CV-KAM (MLAT Request)

Defendant(s) in federal custody as of N/A

Defendant(s) in state custody as of N/A

Rule 20 from the N/A

District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No



A. MARIE VILLAFANA
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 0018255

*Penalty Sheet(s) attached

REV 4/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GILBERTO JORDAN

Case No: 10-80069-CR-210CH/ROSENBAUM

Count #: 1

Procurement of citizenship unlawfully

18 U.S.C. § 1425

* **Max. Penalty:** 10 years' imprisonment; 3 years' Supervised Release; \$250,000 Fine

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**